

Article - Local Government

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§11-402.

(a) (1) In this section, “local community” means an incorporated or unincorporated community, other than a municipality, with a governing board that is elected by the property owners or residents of the community.

(2) “Local community” includes a community association or similar association or a special taxing district if the association or district has a governing board elected by the property owners or residents of the community.

(b) This section applies only if a county establishes a department of public facilities and services and assumes the responsibilities of a sanitary district or commission or a water or sewer authority under § 11-401 of this subtitle.

(c) Subject to subsections (d) and (e) of this section, the county commissioners may enter into an agreement with the governing body of a municipality or a governing board of a local community that transfers responsibility for water or sewerage services to the municipality or local community.

(d) An agreement made under this section shall be in writing and shall require that:

(1) the municipality or local community continues to serve any area, within or outside its boundaries, that is served by the facilities transferred when the transfer occurs;

(2) any increase in fees or taxes for water or sewerage services following the transfer be applied uniformly within and outside the boundaries of the municipality or local community;

(3) the municipality or local community, in accordance with the agreement, assumes legal responsibility for the payment of principal of and interest on any applicable outstanding bonds issued by the county or by a water or sewer authority or a sanitary district or commission with respect to facilities being transferred to the municipality or local community;

(4) the disposal of sewage sludge by the municipality or local community be conducted in accordance with county regulations;

(5) the municipality or local community honors, in accordance with the agreement, any obligation that exists when the transfer occurs, for the treatment at a treatment facility of leachate generated at a landfill in the county;

(6) the municipality or local community complies with the terms of any grant or requirement involving a federal or State agency concerning facilities or operations transferred to the municipality under the agreement; and

(7) any revenues from an entity abolished under § 11-401 of this subtitle and transferred under the agreement remain dedicated for the purpose collected and are not transferred into the municipality's or local community's general fund.

(e) An agreement made under this section shall specify:

(1) the obligation of the parties to cooperate in the operation of any laboratory, the sharing of equipment, and other related matters in which the county and municipality or local community might mutually benefit;

(2) the obligation of the parties to satisfy any vested retirement rights of employees who transfer from the county to the municipality or local community under the agreement;

(3) the obligation of the parties to assure the maintenance of salary levels, retirement benefits, insurance benefits, vacation benefits, leave time, seniority levels, and other employee benefits, which are in effect for county employees who transfer to the municipality or local community under the agreement; and

(4) any other matter relating to water or sewerage services on which the county and municipality or local community agree that are consistent with this section.

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